UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,455	01/16/2002	Robert Desbiens	33263US1	6511

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EXAMINER
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ART UNIT	PAPER NUMBER
2192	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/050,455	DESBIENS, ROBERT
	Examiner	Art Unit
	Chuck O. Kendall	2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Supplemental First Action

1.   This is in response to application filed 07/27/07.

2.   Claims 1 – 23 are pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4.   Claims 1 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kevner USPN 5,956,509 in view of Kavner 6,430, 607.

Regarding claim 1, Kevner discloses a system for incrementally executing

a client/server application (4:30 – 35), leveraging existing communications

network infrastructure having at least one client computer and at least one

server computer, wherein the at least one client computer and the at least one

server computer are in communications with each other over one or more

communications links within the network infrastructure, the system comprising:

a client/server application comprising a server application component and a client component,

the server application component comprising a plurality of server component portions, and provided on the at least one server computer (7:1 – 5),

the server component portions including an initial server component server portion and one or more subsequent server component portions, the initial server component portion having an initial function, each of the one or more subsequent server component portions including at least one subsequent functions;

the client application component provided on the at least one client computer, the client component including one or more command selectors, each of the one or more command selectors having (see locator program 314, 9:55 – 65):

associated code for selecting a function available from the plurality of portions of the server component (28: 12 – 17, see select command) portions; and

associated code for generating a parameter for use by the server application component in determining the appropriate server component portion of the plurality of server component portions to load and execute on the server computer to provide the selected function on the client computer (28:1 – 5, see RequestDynamicParam routine also see 13:13 – 21).

Kevner doesn't expressly disclose wherein portions are incrementally
loaded and executed on the server computer in response to the code and
parameter from the one or more command selectors for the client/server
application and a memory for executing the server application component:
means for receiving an initiating means from the client computer, the initiating
message including the initial parameter associated with initial server component
portion;

means for loading into the memory, in dependence upon the initial
parameter the initial server component portion; means for executing the initial
server component portion loaded into the memory to provide the initial function
to the client computer;

means for receiving a subsequent message from the client computer, the
subsequent message including the subsequent parameter associated with a
subsequent server component portion; means for loading into the memory, in
dependence upon the subsequent parameter, the subsequent server
component portion; and mean for executing the subsequent server component
portion loaded into the memory to provide the subsequent function to the client
computer.

However, Kavner in analogous art and similar configuration discloses that,
" the client MPC layer 206a sends a memory block parameter in
incremental portions, each incremental portion contains the upload field
812 at the beginning of the upload message 800b. In the preferred
embodiment, the value 0xE6h (230) in the upload field indicates that other

upload messages 800b exist and the value 0xE7h (231) indicates the last

upload message 800b has been received for that parameter. It is possible

that there will be other messages 800b that correspond to other client-to-

server memory block parameters, identified by a different upload

parameter identifier 814" (32:45 – 55).

Therefore it would have been obvious to one of ordinary skill in the art at

the time the invention was made to combine Kevner and Kavner because, it

would allow the client applications 206a, to continue operation while waiting for

responses to pending remote requests (Kavner, 32:18 – 22).

Regarding claim 2, the system according to claim 1, wherein one portion

of the plurality of server component portions is a compact portion loaded and

executed on the at least one server computer upon receipt of a first application

function request from the client component the compact portion delivering a

streamlined subset of functions applicable to commands most commonly

requested to provide a fast executing initial portion of the application (Kavner,

32:45 – 55).

Regarding claim 3, which is the method version of claim 1 see rationale

above as previously discussed and regarding the at least one server computer

comprising a server processor and a memory for executing a server component,

executing an applicable additional portion of the plurality of portions of the

server application component for each request received from the client

component for an application function not available from any running portion or

portions of the server component (16:45 – 60) and running all executed portions

until an end session command is received see (Kavner, 32:45 – 55).

Regarding claim 4, the method according to claim 3, wherein one portion

of sever component of the plurality of server component portions is a compact

portion executed on the server computer upon receipt of a first application

function request from the client component, the compact portion delivering a

streamlined subset of functions applicable to commands most commonly

requested to provide a fast executing initial portion of the application (Kevner,

8:35 – 50).

Regarding claim 5, which recites similarly to claim 3 see rationale as

previously discussed above.

Regarding claim 6, which recites similarly to claim 5 see rationale as

previously discussed above.

Regarding claim 7, which recites similarly to claim 3 see rationale as

previously discussed above.

Regarding claim 8, which recites similarly to claim 4 see rationale as

previously discussed above.

Regarding claim 10, the method according to claim 3 wherein the step of

loading the subsequent server component portion is omitted if the subsequent

function associated with the subsequent running portion is available from any

running server component portion of the server component (6:60 – 67, see

protocol required to gateway is linked).

Regarding claim 11, the method according to claim 3 further comprising the step of:

creating the parameter at a client application (7:10 – 15).

Regarding claim 12, the method according to claim 3 further comprising the steps of:

at the client computer, accepting from a user, an indication of an end session (Kavner, 32:45 – 55);

at the client computer, generating, in dependence upon the indication of an end session, an end session message (Kavner, 32:45 – 55);

at the server computer, receiving the end session message (45:5 – 15, see segment); and

at the server computer, terminating the execution and unloading from the memory, in dependence upon the end session message, of the server component portions (45:25 – 35, see terminate another service session);

Regarding claim 13, the system according to claim 1 wherein the loading of the subsequent server component portion is omitted if the subsequent function associated with the subsequent server component portion is available from any running server component portion of the server component (6:60 – 67, see protocol required to gateway is linked, hence associates to server based on the available requirements, same as omitting).

Regarding claim 14, the system according to claim 1, wherein each client computer includes means for creating the initial parameter and the subsequent parameter at a client application (47:10 – 15, see creating).

Regarding claim 15, the system according to claim 1, wherein the client computer includes:

means for accepting from a user, an indication of an end session (45:25 – 35, see terminate another service session); and

means for generating, in dependence upon the indication of an end session, an end session message, and wherein the server computer includes:

means for receiving the end session message (45:15 – 45); and

means for terminating the execution and unloading from the memory, in dependence upon the end session message, of the server component portions (45:15 – 45).

Regarding claim 16, which recites similarly to claim 1 see rationale as previously discussed above.

Regarding claim 17, the method according to claim 16 wherein the step of loading the subsequent server component portion is omitted if the subsequent function associated with the subsequent server component portion is available from any running server component portion of the server component (6:60 – 67, see protocol required to gateway is linked, hence associates to server based on the available requirements, same as omitting).

Regarding claim 18, the method according to claim 16 further comprising the step of:

creating the initial parameter and the subsequent parameter at a client application (47:10 – 15, see creating).

Regarding claim 19, the method according to claim 16 further comprising

the steps of at the client, accepting from a user, an indication of an end session

(45:15 – 45);

at the client, generating, in dependence upon the indication of an end session,

an end session message (45:15 – 45);

at the server, receiving the end session message (45:15 – 45); and

at the server, terminating the execution and unloading from the memory, in

dependence upon the end session message, of the server component portions

(45:15 – 45).

Regarding claim 20, which recites similarly to claim 1 see rationale as

previously discussed above.

Regarding claim 21, the system according to claim 20, wherein the loading of

the subsequent server component portion is omitted if the subsequent function

associated with the subsequent server component portion is available from any

running server component portion of the server component (6:60 – 67, see

protocol required to gateway is linked, hence associates to server based on the

available requirements, same as omitting).

Regarding claim 22, the system according to claim 20, wherein the client

includes means for creating the initial parameter and the subsequent parameter

at a client application (47:10 – 15, see creating).

Regarding claim 23, which recites similarly to claim 19 see rationale as

previously discussed above.

Response to Arguments

5.   Applicant's arguments filed 07/27/07 have been fully considered but are

moot in view of new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Chuck Kendall whose telephone number is

571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax

phone number for the organization where this application or proceeding is

assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Ck.